

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBBIE OELSCHLAGER, individually;

Plaintiff,

vs.

EAR, NOSE & THROAT SPECIALTIES, PC,  
and CHRIS A. CEDERBERG, M.D.;

Defendants.

**4:18CV3040**

**ORDER**

This matter is before the Court following a telephone conference regarding a discovery dispute. Defendants seek to compel Plaintiff to produce raw testing currently in the possession of Plaintiff's treating neuropsychologist, Dr. Neal Deutch. Plaintiff signed a HIPAA Authorization to Disclose Health Information, which was provided to Dr. Deutch. However, Dr. Deutch will not provide Plaintiff with raw data because he believes it would violate the ethics of his profession to provide this information to anyone other than another neuropsychologist.

Defendants are entitled to the raw data they seek. It does not appear that HIPAA provides special protection for psychological test data. See [\*Fint v. Brayman Constr. Corp.\*, No. 5:17-cv-04043, 2019 WL 150273, at \\*3 \(S.D. W. Va. Jan. 8, 2019\)](#) (stating that test data is in the same category as any other protected health information).

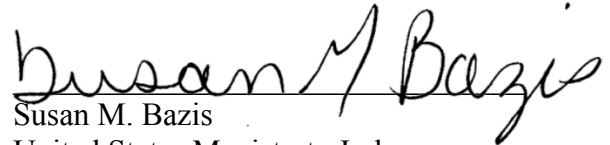
Accordingly,

**IT IS ORDERED** that Defendants are entitled to a copy of all Plaintiff's medical records in the possession of Dr. Deutch, including the raw data, and any documents Dr. Deutch reviewed

or relied upon. Dr. Deutch shall produce a copy of this information to Plaintiff, pursuant to the authorization previously provided by Plaintiff, within ten (10) days of receipt of this Order. Plaintiff shall then promptly produce the remaining medical records to Defendants.

Dated this 25<sup>th</sup> day of October, 2019.

BY THE COURT:

  
Susan M. Bazis  
United States Magistrate Judge